

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

Case No. 17-BK-3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY,

Debtors.

PROMESA

Title III

Case No. 17 BK 3567-LTS

AMERINATIONAL COMMUNITY SERVICES, LLC, as
Servicer for the GDB Debt Recovery Authority, and CANTOR-
KATZ COLLATERAL MONITOR LLC,

Plaintiffs,

v.

AMBAC ASSURANCE CORPORATION, ASSURED
GUARANTY CORP., ASSURED GUARANTY MUNICIPAL
CORP., FINANCIAL GUARANTY INSURANCE COMPANY,
NATIONAL PUBLIC FINANCE GUARANTEE

Adv. Pro. No. 21-00068-LTS

¹The Debtors in these Title III cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's Federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 04780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

CORPORATION, PEAJE INVESTMENTS LLC, and THE
BANK OF NEW YORK MELLON, as Fiscal Agent,

Defendants.

AMBAC ASSURANCE CORPORATION, ASSURED
GUARANTY CORP., ASSURED GUARANTY MUNICIPAL
CORP., NATIONAL PUBLIC FINANCE GUARANTEE
CORPORATION, FINANCIAL GUARANTEE
CORPORATION, FINANCIAL GUARANTY INSURANCE
COMPANY, and PEAJE INVESTMENTS LLC,

Counterclaim Plaintiffs/Third Party
Plaintiffs,

v.

AMERINATIONAL COMMUNITY SERVICES, LLC, as
Servicer for the GDB Debt Recovery Authority, and CANTOR-
KATZ COLLATERAL MONITOR LLC,

Counterclaim Defendants,

and

GDB DEBT RECOVERY AUTHORITY,

Third-Party Defendant.

Adv. Pro. No. 21-00068-LTS

**COUNTERCLAIM PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL WITHOUT
PREJUDICE PURSUANT TO FED R. CIV. P. 41 AND FED. R. BANKR. P. 7041**

To the Honorable Court:

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) and 41(c), which have been made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7041, defendants and counterclaim plaintiffs Ambac Assurance Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., Financial Guaranty Insurance Company, National Public Finance Guarantee Corporation, and Peaje Investments LLC (the “Counterclaim Plaintiffs”) respectfully submit this Notice voluntarily dismissing without prejudice their counterclaims and third-party claims asserted against the DRA and the DRA Parties in *Defendants’ Answer, Defenses, and Counterclaims* (Aug. 26, 2021) (ECF. No. 43) (“Counterclaims”).² Although the DRA and DRA Parties have filed a pending motion to dismiss the Counterclaims (ECF No. 80), they have not filed an answer or other responsive pleading, nor has the Court conducted any hearing or trial on the Counterclaims. Accordingly, by this Notice, and without an order of the Court, the Counterclaims may be and hereby are voluntarily dismissed without prejudice. Fed. R. Civ. P. 41(a)(1)(A)(i); Fed. R. Civ. P. 41(c).

“DRA” refers to the GDB Debt Recovery Authority. “DRA Parties” refers collectively to AmeriNational Community Services, LLC (in its capacity as servicer for the DRA) and Cantor-Katz Collateral Monitor (in its capacity as collateral monitor for the DRA). “ECF No.” refers to the docket in adversary proceeding no. 21-00068-LTS.

Dated: November 2, 2021
San Juan, Puerto Rico

Respectfully submitted,

FERRAIUOLI LLC

By: /s/ Roberto Cámara-Fuertes
Roberto Cámara-Fuertes (USDC-PR No. 219002)
Sonia Colón (USDC-PR No. 213809)
221 Ponce de León Avenue, 5th Floor
San Juan, PR 00917
Telephone: (787) 766-7000
Facsimile: (787) 766-7001
Email: rcamara@ferraiuoli.com
scolon@ferraiuoli.com

MILBANK LLP

By: /s/ Atara Miller
Dennis F. Dunne (admitted *pro hac vice*)
Atara Miller (admitted *pro hac vice*)
Grant R. Mainland (admitted *pro hac vice*)
John J. Hughes, III (admitted *pro hac vice*)
Jonathan Ohring (admitted *pro hac vice*)
55 Hudson Yards
New York, NY 10001
Telephone: (212) 530-5000
Facsimile: (212) 530-5219
Email: ddunne@milbank.com
amiller@milbank.com
gmainland@milbank.com
jhughes2@milbank.com
johring@milbank.com

Attorneys for Ambac Assurance Corporation

REXACH & PICÓ, CSP

By: /s/ María E. Picó
María E. Picó
(USDC-PR No. 123214)
802 Ave. Fernández Juncos
San Juan, PR 00907-4315
Telephone: (787) 723-8520
Facsimile: (787) 724-7844
Email: mpico@rexachpico.com

CASELLAS ALCOVER & BURGOS P.S.C.

By: /s/ Heriberto Burgos Pérez
Heriberto Burgos Pérez
(USDC-PR No. 204809)
Ricardo F. Casellas-Sánchez
(USDC-PR No. 203114)
Diana Pérez-Seda
(USDC-PR No. 232014)
P.O. Box 364924
San Juan, PR 00936-4924
Telephone: (787) 756-1400
Facsimile: (787) 756-1401
Email: hburgos@cabprlaw.com
rcasellas@cabprlaw.com
dperez@cabprlaw.com

BUTLER SNOW LLP

By: /s/ Martin A. Sosland
Martin A. Sosland (admitted *pro hac vice*)
2911 Turtle Creek Blvd., Suite 1400
Dallas, TX 75219
Telephone: (469) 680-5502
Facsimile: (469) 680-5501
Email: martin.sosland@butlersnow.com

James E. Bailey III (admitted *pro hac vice*)
Adam M. Langley (admitted *pro hac vice*)
6075 Poplar Ave., Suite 500
Memphis, TN 38119
Telephone: (901) 680-7200
Facsimile: (901) 680-7201
Email: jeb.bailey@butlersnow.com
adam.langley@butlersnow.com

***Attorneys for Financial Guaranty
Insurance Company***

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Howard R. Hawkins, Jr.
Howard R. Hawkins, Jr. (admitted *pro hac vice*)
Mark C. Ellenberg (admitted *pro hac vice*)
William J. Natbony (admitted *pro hac vice*)
Thomas J. Curtin (admitted *pro hac vice*)
Casey J. Servais (admitted *pro hac vice*)
200 Liberty Street
New York, NY 10281
Telephone: (212) 504-6000
Facsimile: (212) 504-6666
Email: howard.hawkins@cwt.com
mark.ellenberg@cwt.com
bill.natbony@cwt.com
thomas.curtin@cwt.com
casey.servais@cwt.com

***Attorneys for Assured Guaranty Corp. and
Assured Guaranty Municipal Corp.***

**ADSUAR MUNIZ GOYCO SEDA & PEREZ-
OCHOA PSC**

By: /s/ Eric Perez-Ochoa
Eric Perez-Ochoa
(USDC-PR No. 206314)
Luis A. Oliver-Fraticelli
(USDC-PR No. 209204)
208 Ponce de León Ave., Suite 1600
San Juan, PR 00936
Telephone: (787) 756-9000
Facsimile: (787) 756-9010
Email: epo@amgprlaw.com
loliver@amgprlaw.com

WEIL, GOTSHAL & MANGES LLP

By: /s/ Robert Berezin
Jonathan Polkes (admitted *pro hac vice*)
Gregory Silbert (admitted *pro hac vice*)
Robert Berezin (admitted *pro hac vice*)
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007
Email: jonathan.polkes@weil.com
gregory.silbert@weil.com
robert.berezin@weil.com

***Attorneys for National Public Finance
Guarantee Corporation***

MONSERRATE SIMONET &
GIERBOLINI, LLC

/s/ Dora L. Monserrate Peñagaricano

Dora L. Monserrate-Peñagaricano
USDC-PR No. 212612
Fernando J. Gierbolini-González
USDC-PR No. 211901
Richard J. Schell
USDC-PR No. 305811
101 San Patricio Avenue
Maramar Plaza, Suite 1120
Guaynabo, Puerto Rico 00968
Phone: (787) 620-5300
Fax: (787) 620-5305

DECHERT LLP

/s/ Allan S. Brilliant

Allan S. Brilliant (*pro hac vice*)
Yehuda Goor (*pro hac vice*)
1095 Avenue of the Americas
New York, New York 10036
Tel: (212) 698-3500
Fax: (212) 698-3599

-and-

G. Eric Brunstad, Jr. (*pro hac vice*)
90 State House Square
Hartford, Connecticut 06103
Tel: (860) 524-3960
Fax: (860) 524-3930

-and-

Stuart T. Steinberg (*pro hac vice*)
Cira Centre
2929 Arch Street
Philadelphia, Pennsylvania 19104
Tel: (215) 994-2521
Fax: (215) 994-2222

Attorneys for Peaje Investments LLC

CERTIFICATE OF SERVICE

I hereby certify that I caused this document to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all parties of record in the captioned case.

At San Juan, Puerto Rico, November 2, 2021.

By: /s/ *Eric Pérez-Ochoa*